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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

YANCY, MARY L.

Debtor(s),

CASE NO.: BK-S 08-25567-LBR
IN CHAPTER 13 PROCEEDINGS

2700 SHIELD ST.
NORTH LAS VEGAS, NV 89030

Hearing Date: November 12, 2009
Hearing Time: 10:30 A.M.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, MARY L. YANCY (hereinafter the "Debtor"), by and through her attorneys, PIET & WRIGHT, L.L.C., and attorney CHARLES T. WRIGHT, ESQ., and respectfully request this Court to deny the MOTION FOR RELIEF FROM AUTOMATIC STAY filed by HSBC BANK USA NATIONAL ASSOCIATION, AS TRUSTEE FOR MORTGAGE PASS-THROUGH CERTIFICATE SERIES 2007-AB1, by and through their attorney, GREGORY L. WILDE, ESQ., of WILDE & ASSOCIATES, as follows:

POINTS AND AUTHORITIES

11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify or condition stay

"for cause, including the lack of adequate protection of an interest in property of such party in interest;---"

11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay

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“with respect to a stay of an act against property under subsection (a) of this section, if –

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization”

STATEMENT OF FACTS

Debtor’s property has liens of approximately \$120,586.89 for the property located at 2700 Shield St., North Las Vegas, NV 89030. Debtor believes that he does not have any equity in the property.

11 U.S.C. Section 361(1) may apply as:

1. Debtor acknowledges that if she is late on the post petition payments, she will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtor’s intensions are to stay current on future post-petition payments.

3. This property is subject to setoff to U.S.C. Sections 506 and 1123(b)(5).

THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C. Section 362(d)(1) or (2), and that any action on creditor’s behalf be stayed for an adequate amount of time to allow Debtor to become current on the post petition arrearages and/or to stipulate to an Order Re Adequate Protection.

Dated this 28th day of October, 2009.

Respectfully submitted,

PIET & WRIGHT

By: /s/ Charles T. Wright
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